

## REMARKS

Reconsideration of this application, as amended, is respectfully requested. The amendments to claims 1 and 6 are supported in the specification as originally filed, for example at paragraph 66 and figure 4b of US PGPUB 2005/0089773 (the published version of the present patent application). Claims 1, 6 and 9 have also been amended for clarity and to correct minor typographical errors. No new matter is being added by any of the present amendments.

**Claims 1, 3-6 and 8-10 are patentable over Essers (US 6,590,210) in view of Chen et al. (US 6,064,486), Bowes (US 6,778,275) and O'Keeffe (US 3,849,659).**

Claim 1, as amended, recites a method including the step of directing a primary electron beam to interact with an inspected object, wherein (i) the inspected object has a first feature formed on a first layer, a second feature formed on a second layer, and an intermediate layer positioned between the first layer and the second layer, (ii) the second feature is buried under the first layer, affects a shape of an area of the first layer, and does not overlap with the first feature, and (iii) the area includes a protuberance positioned above the second feature and that is smaller than the first feature. At least these features of claim 1 are not taught or suggested by the cited combination of references.

For example in Bowes, even if one or more of elements 490, 450, 430 and 470 were interpreted as the second feature of claim 1 and element 410 were interpreted as the first feature of claim 1, Bowes does not teach or suggest a protuberance positioned above the second feature and that is smaller than the first feature. Rather, in Bowes, a protuberance is not present above any of elements 490, 450, 430 and 470.

Chen fails to cure the deficiencies of Bowes. Even if figure 2B of Chen were to somehow suggest adding a protuberance above one or more of elements 490, 450, 430 and 470 of Bowes (which Applicants do not admit), there is simply no teaching or suggestion that such protuberance would be smaller than the first feature of Bowes. Therefore, claim 1 and its dependent claims remain patentable over Bowes, even in view of Chen.

Essers is cited for teaching certain features of a scanning electron microscope, while O'Keeffe is cited for using backscattered electrons for the alignment of an electron beam. Even if this is so, Essers and O'Keeffe alone or in combination with one another fail to cure the above-mentioned deficiencies of Bowes and Chen. Therefore, claim 1 and its dependent claims remain patentable over Bowes and Chen, even in view of Essers and O'Keeffe. Because claim

6 recites features similar to those recited in claim 1, claim 6 and its dependent claims are likewise patentable over the cited combination of references.

If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,  
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Dated: June 29, 2010

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